

## **REMARKS/ARGUMENTS**

### Claim Rejections - 35 USC § 112

Claims 1-20 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent Claim 1 is currently amended to recite "wherein the symbol is detected when there are frequency errors in the digital system", the "steps" and the "digital system" where the steps of the method are applied. Claim 1 (currently amended) is believed to distinctly point out the subject matter because Claim 1 parallels the already-allowed apparatus claim 21. Further, the method claim of the reference the Examiner cited has a similar construction. Dependent Claims 2 – 19 of Claim 1 are also believed allowable for similar reasons.

### Claim Rejections - 35 USC § 101

Claim 1 was rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101.

Independent Claim 1 is currently amended to recite a purpose (i.e. use) "wherein the symbol is detected when there are frequency errors in the digital system", the "steps" and the "digital system" and "symbol detector" where the steps of the method are applied. Claim 1 is believed to recite a useful invention and recites

steps to achieving the use. In addition, Claim 1 parallels the already-allowed apparatus Claim 21. Further, the method claim of the reference the Examiner cited has a similar construction. Dependent Claims 2 – 19 of Claim 1 are also believed allowable for similar reasons.

#### Claim Rejections - 35 USC § 102

Claims 24 and 25 were rejected under 35 U.S.C. 102(b) as being anticipated by Subramanian (5,361,276).

Claim 24 is cancelled. Claim 25 is amended to depend on the already allowed Claim 21.

#### Claim Rejections - 35 USC § 103

Claims 27-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Subramanian (5,361,276) in view of Chen et al. (US 6,650,912).

Claims 27 – 29 are amended and now depend on the already allowed Claim 21.

#### Allowable Subject Matter

Applicants thank the Examiner for allowing Claims 21-23.

Claim 26 was objected to and is now re-written in independent form to include its

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base claim 24. Claim 24 is cancelled.

Respectful request is made for reconsideration of the application, as amended,  
and for an issuance of a Notice of Allowance.

Respectfully submitted,

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